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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of)	Group Art Unit: 2854
)	
Erich Erhard RÜGAMER)	Examiner:
)	Anthony H. Nguyen
Application No. 10/528,651)	
)	
Filed March 21, 2005)	
)	
For: DRIVE DEVICES AND METHOD FOR DRIVING)	
A PROCESSING MACHINE)	

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement, which was mailed to the undersigned in the subject U.S. patent application on June 28, 2007, applicant elects to prosecute in this application, the species of the invention identified by the Examiner as Species II, consisting of Fig. 2. It is submitted that Figs. 3-5 are also part of the asserted Species II.

In the Election of Species Requirement, the Examiner asserted that the claims presented in the Preliminary Amendment had been numbered incorrectly as claims 52-102. The verified translation of the PCT application, which formed the specification of the subject U.S. patent application, as filed, contained claims 1-50, as asserted by the Examiner. However, applicant, through his principal representatives in Germany, filed an Article 34 Amendment in the PCT application on December 16, 2004. That Article 34 Amendment, a copy of which was filed in the subject application, together with a translation thereof, included claims 1-51. Those claims 1-51 were the claims addressed in the International Preliminary Examination Report (IPER) which was issued on January 31, 2005. Accordingly, it is believed that the Examiner's renumbering of the claims as claims 51-101 is incorrect. MPEP Section 608.01(j) recites, in part, that "When claims are

added, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not).” Since the highest numbered claim previously presented was claim 51, it is believed that the numbering of the claims presented in the Preliminary Amendment as claims 52-102 is proper and in accordance with MPEP 608.01(j). Accordingly, the original numbering of the claims will be adhered to. The Examiner is requested to return the numbering of the claims to their original numbering, which original numbering will be utilized in this Response.

Initially, it is questioned whether or not there is an examination and search burden for these two asserted species of the disclosed invention. In both of the disclosed species, there is claimed the provision of a drive unit arrangement for a web-fed rotary processing machine that has a plurality of units 01, 02, 04, 06, 07 which are driven independently of each other by drive motors M through drive units 08. At least a first signal line connects these drive units or lower level drive control units. This at least one signal line 09 carries signals from a machine shaft portion of a virtual machine shaft. In the embodiment of Fig. 1 there is provided only that signal line 09. In the embodiment of Fig. 2 there is provided a second signal line 14. In Fig. 3 there is provided a third signal line 23.


It is respectfully asserted that there are a number of generic claims in the subject application. Specifically, claims 55, 81, 82-87 and 89-93 are all believed to be generic. Claims 52-54, 56-80, 88 and 94-102 are believed to encompass the elected species.

An early and favorable Office Action on the merits is respectfully requested.

Respectfully submitted,

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